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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/169,127	12/20/1993	HISATO SHINOHARA	740756-000945	2677
22204 7590 06/03/2009 NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128				
EXAMINER PADGETT, MARIANNE L				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
06/03/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: HISATO SHINOHARA and AKIRA SUGAWARE

Application No. 08/169,127
Technology Center: 1700

Mailed: June 3, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 1, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

APPEAL BRIEF, EVIDENCE APPENDIX

The Evidence Appendix for the Appeal Brief filed November 17, 2008, listed the following documents, which are missing from the IFW file. Appropriate correction is required for further review of the application.

U.S. Patent No. 7,416,907 B2 issued August 26, 2008 to Yamazaki et al.

U.S. Patent No. 7,381,599 B2 issued June 3, 2008 to Konuma et al.

REPLY BRIEF NOTED

On April 21, 2009, applicants filed a timely Reply Brief. In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

CONCLUSION

Accordingly, it is

ORDERED that the application is electronically returned to the Examiner to:

- 1) hold the Appeal Brief filed on November 17, 2008 defective;

- 2) notify Appellants to submit copies of the missing papers for the Evidence Appendix;
- 3) have the copies scanned into the IFW file;
- 4) for consideration and proper response to the Reply Brief filed April 21, 2009; and
- 5) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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